

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
AUGUST 7, 2012

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on August 7, 2012, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner James J. Eardley, Commissioner Dennis Drake, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

Commissioner Drake led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for July 4, 2012, through August 7, 2012
- Consideration of Approval of Regular Commission Meeting Minutes of June 19, 2012, and July 3, 2012, and Special Commission Meeting Minutes of July 10, 2012
- Consideration of Approval of Administrative Adjustments for Real Property (attached)
- Consideration of Approval of Administrative Adjustments for Personal Property (attached)
- Consideration of Applications for Property Tax Abatement (7): Roy Brewer, S/N L-LE-29; David Christensen, S/N SG-SFRC-5-113; James Gaskell, S/N SG-236-A; Edward Hart, S/N AV-AVR-3-57; Gary Hartley, S/N SG-SUR-1-1D-224; Dean Schmidt, S/N H-262-B-1-C; and Dean and Yolanda Stout, Acct. No. 0237613
- Consideration of Approval of Application for Settlement or Deferral of Property Taxes (1): Streamline Automotive, S/N HD-PTAX-17

Actions of the Washington County Planning Commission Meeting – None

MOTION: Motion by Commissioner Drake to Approve the Consent Agenda, as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

**CONSIDERATION OF RESOLUTION NO. R-2012-1648, A RESOLUTION
COMMENDING THE PUBLIC SERVICE OF JEFF DIAL**

Washington County Sheriff Cory Pulsipher read the entire Resolution Commending the Public Service of Jeff Dial, who recently passed away unexpectedly. Mr. Dial was a valuable member of the emergency service response community in the County and will be greatly missed. Mr. Dial's widow was presented with a plaque in Jeff's honor.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1648, a Resolution Commending the Public Service of Jeff Dial. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

VOLUNTEER OF THE MONTH: CAROL HOLLOWELL

Ms. Hollowell, Director of the Washington County Volunteer Center, said that the Center just completed its Summer of Service, where youngsters from eleven to eighteen perform certain service projects around the County. Washington County youth served over twenty-five thousand (25,000) hours this year so far, which is a record. She introduced eight (8) students whose service has been particularly outstanding:

These students have contributed countless hours at various organizations, learning about non-profits in the area. Ms. Hollowell presented them with their Presidential Service Award Certificates and praised them as being excellent youth leaders.

PURCHASE REQUEST(S)/MARK BLANCH

- Dixie Center, Ice-O-Matic Machines..... \$ 14,408.40
- HCP, Tree Service at Confluence Park \$ 18,000.00
- Sheriff's Office, Monoculars..... \$ 14,059.70

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Eardley to Approve the Purchase Requests, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF APPROVAL OF BUSINESS LICENSE/BEER APPLICATION: NEW HARMONY TEXACO AND MARKET

The Applicant Dennis Ramsey explained that he took over the business on July 1st from the previous owner. Beer is currently sold at this location, and the applicant has complied with all requirements (fingerprinting, background check, etc.). The Sheriff's Office, Planning Office, and Clerk-Auditor's Office have all signed off on the application.

MOTION: Motion by Commissioner Drake to Approve the Business License/Beer Application of New Harmony Texaco and Market. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF APPROVAL OF 2012 HEARING OFFICERS FOR BOARD OF EQUALIZATION

Washington County Assessor Arthur Partridge explained that the Board of Equalization (BOE) is currently in session and will be until September 17. Every year, during BOE, additional hearing officers are required to handle the heavy workload of appeals. Those names submitted are: Stuart Porter, Kent Vincent, Steve Porter, Brian Russo, Jeff Morley, Craig Morley, Daniel Johnson, and William West.

Mr. Partridge said that so far this year, there are thirty-one (31) appeals pending, although many more are expected.

MOTION: Motion by Commissioner Eardley to Approve the 2012 Hearing Officers for the Board of Equalization as Named Above. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1650, A RESOLUTION APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT GOVERNING THE USE OF THE WASHINGTON COUNTY JUSTICE COURT BY IVINS CITY (TABLED JULY 3, 2012)

Administrator Dean Cox said that the County Justice Court is currently serving the Ivins City jurisdiction under an agreement that has expired. This agreement is a renewal, which reflects a sixty/forty (60/40) split of revenue, with Ivins City receiving the larger share. Either party may terminate the agreement with sixty (60) days' notice. The agreement will automatically renew each year unless terminated by either party.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1650, a Resolution Approving the Execution of an Interlocal Agreement Governing the Use of the Washington County Justice Court by Ivins City. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1655, A RESOLUTION APPROVING A PUBLIC DEFENDER AGREEMENT BETWEEN CANDACE REID AND WASHINGTON COUNTY TO PROVIDE PUBLIC DEFENSE SERVICES FOR INDIGENT DEFENDANTS IN THE FIFTH JUDICIAL JUVENILE COURT OF WASHINGTON COUNTY AND THE FIFTH JUDICIAL DISTRICT COURT

Mr. Cox said that the Bar Association has publicly reprimanded one of our public defenders, making it necessary to exercise an option in that attorney's contract to terminate his services. Candace Reid has been interviewed and is well qualified. The County Attorney's Office has recommended her appointment to fulfill the term of the contract of the outgoing public defender, which will expire December 31, 2012.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1655, a Resolution to Ratify the Approval of a Public Defender Agreement Between Candace Reid and Washington County to Provide Public Defense Services for Indigent Defendants in the Fifth Judicial Juvenile Court Of Washington County and the Fifth Judicial District Court. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1657, A RESOLUTION RE-APPOINTING MEMBERS TO THE WASHINGTON COUNTY COUNCIL ON AGING NUTRITION ADVISORY BOARD

The terms of appointment of Sharon Ott, Gayle Rohde, and Kaye Reese have expired, and these ladies have agreed to re-appointment.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1657, A Resolution Re-Appointing Sharon Ott, Gayle Rohde, and Kaye Reese to the Washington County Council on Aging Nutrition Advisory Board. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1658, A RESOLUTION APPROVING AN AGREEMENT BETWEEN WASHINGTON COUNTY AND THE UTAH DEPARTMENT OF HUMAN SERVICES, DIVISION OF OFFICE RECOVERY SERVICES, REGARDING THE PAYMENT OF COSTS OF LEGAL PROCESS SERVICE TO WASHINGTON COUNTY

The County has been working with the Office of Recovery Services (ORS) for service of process of legal documents. Previously, the Sheriff's Office has been absorbing those costs, and this agreement authorizes the Sheriff's Office to charge the ORS fees, as set by statute. ORS passes that cost on to the individual served.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1658, A Resolution Approving an Agreement Between Washington County and the Utah Department of Human Services, Division of Office Recovery Services, Regarding the Payment of Costs of Legal Process Service to Washington County. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1659, A RESOLUTION ADOPTING THE POLICY OF EQUALLY CONTRIBUTING TO EMPLOYEE RETIREMENT PLANS

Mr. Cox said that the need for this item was revealed by a recent external audit. Most employees are on a non-contributory plan, but there is one individual who participates in a contributory plan, because that was what was available when he hired on. This resolution authorizes the County to pay equal percentages to both types of retirement accounts.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1659, a Resolution Adopting the Policy of Equally Contributing to Employee Retirement Plans. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1660, A RESOLUTION AUTHORIZING AND APPROVING THE WASHINGTON COUNTY/ST. GEORGE INTERLOCAL AGENCY, WASHINGTON COUNTY, UTAH, (THE "WCIA"), TO RELEASE A PORTION OF THE PROPERTY ORIGINALLY PLEDGED AS COLLATERAL FOR THE WCIA'S OUTSTANDING LEASE REVENUE BONDS, SERIES 2003, AND VARIABLE RATE LEASE REVENUE REFUNDING BONDS, SERIES 2007; AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN RELEASE DOCUMENTS AND RELATED DOCUMENTS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS

**NECESSARY TO THE CONSUMMATION OF THE TRANSACTION
CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS**

Commissioner Drake explained that this resolution permits the release of a portion of the property being held as collateral for the original bond for the Dixie Center in preparation for a refinancing of that bond at a much more favorable rate.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1660, a Resolution Authorizing and Approving the Washington County/St. George Interlocal Agency, Washington County, Utah, (the “WCIA”), to Release a Portion of the Property Originally Pledged As Collateral for the WCIA’s Outstanding Lease Revenue Bonds, Series 2003, and Variable Rate Lease Revenue Refunding Bonds, Series 2007; Authorizing and Approving the Execution of Certain Release Documents and Related Documents; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by This Resolution; and Related Matters. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

COMMISSIONERS’ REPORT

Chairman Gardner mentioned a notice received last week, informing the County that Secretary of the Interior Salazar has posted two new proposals on the wilderness issue online, which would again reinstate executive control over how federal lands are administered in regards to wilderness characteristics.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead asked for Commission approval of two (2) purchase requests pertaining to road work being done in the County:

- R-N-M Logistics, LLC, oil hauling and demurrage charges..... \$ 11,658.38
- Straight Stripe Painting, striping on Old Highway 91 \$ 12,895.92

MOTION: Motion by Commissioner Eardley to Approve the Purchase Requests Indicated Above. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:55 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

ALAN D. GARDNER
CHAIRMAN